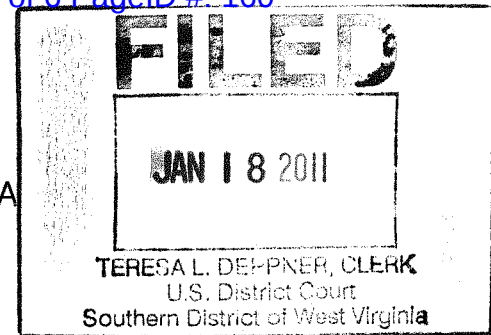


UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF WEST VIRGINIA
Charleston



United States of America
Plaintiff,

v.

Case No. 10-cv-01087

\$ 88,029.08

Defendant

(Katherine A. Hoover and John F. Tomasic, interested parties.)

MOTION TO COMPLY WITH TREATY LAW

NOW COME Katherine A. Hoover MD and John F. Tomasic, pro se, and move that the Court comply with The Vienna Convention which the United States of America acceded to in 1971 and The Single Convention acceded to in 1961.

Treaty law is the supreme law of the land. When a nation accedes to a treaty, it agrees with the words and the spirit of the treaty. The Vienna Convention protects doctors and patients from government intervention and prosecution. The Vienna Convention protects the people in the countries where it is law from deprivation of health and medical care. The United States attorneys' office, upon information and belief mainly Ms. Monica Schwartz, closed the practice at 35 West Third Ave. Williamson, West Virginia on March 2, 2010, eliminating medical care and recklessly endangering the lives of thousands of patients. Ms. Schwartz then proceeded to threaten Dr. Hoover with eighteen months in jail for an act that was not a crime, but involved treating a patient, an area where she has no jurisdiction.

Dr. Norman Gay has been caring for Dr. Katherine Hoover since March, 2010. The letter written by Dr. Gay is attached to this pleading (exhibit A). Medical care is a right guaranteed by The Vienna Convention.

West Virginia had the wisdom to pass an Intractable Pain Treatment Act (Exhibit B) which protects doctors, nurses and pharmacists from criminal prosecution and requires that they treat pain. State law trumps federal law when it comes to the practice of medicine. The United States Supreme Court, in Gonzales v. Oregon 545 U.S. 243 (2006), ruled that state law was controlling. This decision gives states subject matter jurisdiction when it comes to the practice of medicine. West Virginia legislated protection for treating pain, even treating pain in addicts.

WHEREFORE, John F. Tomasic and Katherine A. Hoover MD request that the Court and the United States Attorney comply with treaty law and West Virginia law and return our money. West Virginia has the opportunity to forge a new paradigm for the treatment of addiction and the cooperation between medicine and law enforcement for the benefit of all West Virginians. Continuing to jail very ill people violates treaty law and violates moral law.

THE BAHAMAS ANTI-AGING MEDICAL INSTITUTE
WEST BAY MEDICAL CLINIC



January 5th 2011

DR. NORMAN GAY

P. O. Box N-3222
Nassau, Bahamas
Tel/Fax: (242) 328-4014
email: drnormangay@yahoo.com

Judge John T. Copenhaver
c/o United States District Clerk for the
Southern District of West Virginia
Suite 2400
Charleston, West Virginia 25301

Dear Judge Copenhaver;

RE: Katherine A. Hoover, MD
Case No. 10-cv-0187

Katherine A. Hoover MD, born August 25th, 1950, has been my patient since March 2010. She has been very ill since July 18th 2008. During the course of her husband's disposition regarding the murder of their son at North Central Regional Jail in West Virginia, Dr. Hoover became violently ill, sweating, dizzy, heart palpitations and poor thinking. She subsequently developed excessive salivation, congestive heart failure and atrial fibrillation and was hospitalized in Clarksburg, West Virginia at United Hospital Center.

She improved and refused the recommendation of Cardiac Vascular surgery; made at that time. She was able to return to work but has not been well since the original trauma. Her condition was exacerbated after a raid done by Federal Agents at the clinic where she worked.

Dr. Hoover and I had been acquaintances for some time and she knew of my extensive work in anti-aging and natural medicine; she came to the Bahamas for medical care.

After a complete history and physical, I concluded that some type of poisoning could not be ruled out. Research done by Dr. Hoover and her

husband had led them to believe that Prussic Acid (Cyanide) was most likely to blame. For a completely healthy woman, with no prior history of cardiac problem to become ill so suddenly would be consistent with poisoning.

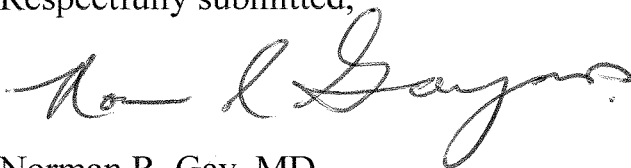
Dr. Hoover continued to be very ill and her congestive heart failure recurred. I referred her to a cardiologist who stabilized her condition with Lanoxin and Lasix, Her hearth rate remained high so he added Lopressor. The cardiologist is recommending Vascular Surgical repair. I had started her on supplements which after several months have improved her condition. Her medical condition requires close monitoring and reduced stress with the view of regaining health and avoiding surgery.

I have been extensively involved in Pan American Health Organization, PAHO in the past as a chairman of the executive committee and I am familiar with the protections given by the Vienna Convention and other treaties. The abrupt closing of a busy medical clinic where many patients were on narcotics and benzodiazepines has its dangers. This act violates the protection given to citizens of many countries that is a signatory to The Vienna Convention which protects human rights. The stress put on Dr. Hoover by Ms. Monica Schwartz by threatening her is dangerous. I recommended to Dr. Hoover that she cease communicating with Ms. Schwartz because of the trauma it caused her.

Dr. Hoover continues to need monitoring. Her blood pressure is finally above 80/60. Any renewed stress will certainly threaten her condition.

Doctors are protected by The Vienna Convention and any prescription written is not to be second guessed by non-medical people. Dr. Hoover has informed me that doctors in the United States are protected by Title 21 USC 801 (a)(3)(C) and that West Virginia physicians are further protected by the Intractable Pain Act. Since the rule of law must be followed, I recommend protection for Dr. Hoover from further stress and harassment.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Norman R. Gay", written in a cursive style.

Norman R. Gay, MD

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ARTICLE 3A. MANAGEMENT OF INTRACTABLE PAIN.

§30-3A-1. Definitions.

For the purposes of this article, the words or terms defined in this section have the meanings ascribed to them. These definitions are applicable unless a different meaning clearly appears from the context.

(1) An "accepted guideline" is a care or practice guideline for pain management developed by a nationally recognized clinical or professional association or a specialty society or government-sponsored agency that has developed practice or care guidelines based on original research or on review of existing research and expert opinion. An accepted guideline also includes policy or position statements relating to pain management issued by any West Virginia board included in chapter thirty of the West Virginia code with jurisdiction over various health care practitioners. Guidelines established primarily for purposes of coverage, payment or reimbursement do not qualify as accepted practice or care guidelines when offered to limit treatment options otherwise covered by the provisions of this article.

(2) "Board" or "licensing board" means the West Virginia board of medicine, the West Virginia board of osteopathy, the West Virginia board of registered nurses or the West Virginia board of pharmacy.

(3) "Intractable pain" means a state of pain having a cause that cannot be removed. Intractable pain exists if an effective relief or cure of the cause of the pain: (1) Is not possible; or (2) has not been found after reasonable efforts. Intractable pain may be temporary or chronic.

(4) "Nurse" means a registered nurse licensed in the state of West Virginia pursuant to the provisions of article seven of this chapter.

(5) "Pain-relieving controlled substance" includes, but is not limited to, an opioid or other drug classified as a schedule II controlled substance and recognized as effective for pain relief, and excludes any drug that has no accepted medical use in the United States or lacks accepted safety for use in treatment under medical supervision including, but not limited to, any drug classified as a schedule I controlled substance.

(6) "Pharmacist" means a registered pharmacist licensed in the state of West Virginia pursuant to the provisions of article five of this chapter.

(7) "Physician" means a physician licensed in the state of West Virginia pursuant to the provisions of article three or article fourteen of this chapter.

§30-3A-2. Limitation on disciplinary sanctions or criminal punishment related to management of intractable pain.

(a) A physician shall not be subject to disciplinary sanctions by a licensing board or criminal punishment by the state for prescribing, administering or dispensing pain-relieving controlled substances for the purpose of alleviating or controlling intractable pain when:

(1) In a case of intractable pain involving a dying patient, in practicing in accordance with an accepted guideline as defined in section one of this article, the physician discharges his or her professional obligation to relieve the dying patient's intractable pain and promote the dignity and autonomy of the dying patient, even though the dosage exceeds the average dosage of a pain-relieving controlled substance; or

(2) In the case of intractable pain involving a patient who is not dying, the physician discharges his or her professional obligation to relieve the patient's intractable pain, even though the dosage exceeds the average dosage of a pain-relieving controlled substance, if the physician can demonstrate by reference to an accepted guideline that his or her practice substantially complied with that accepted guideline. Evidence of substantial compliance with an accepted guideline may be rebutted only by the testimony of a clinical expert. Evidence of noncompliance with an accepted guideline is not sufficient alone to support disciplinary or criminal action.

CERTIFICATE OF SERVICE

I, Katherine A. Hoover, do hereby certify that a true and correct copy of the foregoing Motion to Comply with Treaty Law has been faxed to the United States Attorney, Ms. Betty Pullin, on January 17, 2011, at 304-347-5104.

A handwritten signature in cursive script that reads "Katherine A. Hoover".

Katherine A. Hoover
c/o Dr. Norman Gay
West Bay Medical Clinic
West Bay Street
N-3222
Nassau, N.P., Bahamas
242-525-4018

FedEx® International Air Waybill

Express

1 From		Sender's FedEx Account Number	
Date	1-14-11		
Sender's Name		Katherine Hoover	
Phone		525-4018	
Company		Dr. Norman Gay	
Address		West Bay Medical Clinic	
Address		West Bay St.	
City		Nassau	
State		N.P.	
Country		Bahamas	
ZIP		Postal Code	
2 To		Recipient's Name	
US Clerk		5000	
Phone		347-3000	
Company		U.S. Court house	
Address		Suite 2400	
Address		300 Virginia St.	
City		Charleston	
State		WV	
Country		USA	
ZIP		Postal Code	
25801			
Recipient's Tax ID Number for Customs Purposes e.g., GST#RCA/VN/NE/NA/0, or as locally required.			
3 Shipment Information			
Total Packages		1	
Shipper's Label and		Total Weight	
Commodity Description		Doe	
Harmonized Code			
Country of Manufacture			
Value for Customs			
Total Declared Value for Carriage			
Total Value for Customs (Specify Currency)			
Has EEI been filed in AES? <input type="checkbox"/> No EEI required, value \$2500 or less per SEA. B Number. <input type="checkbox"/> No EEI required, value \$2500 or less per SEA. B Number. <input type="checkbox"/> No EEI required, value \$2500 or less per SEA. B Number. <input type="checkbox"/> No EEI required, value \$2500 or less per SEA. B Number.			
For US Export Only: Check One <input type="checkbox"/> No EEI required, value \$2500 or less per SEA. B Number. <input type="checkbox"/> No EEI required, value \$2500 or less per SEA. B Number. <input type="checkbox"/> No EEI required, value \$2500 or less per SEA. B Number. <input type="checkbox"/> No EEI required, value \$2500 or less per SEA. B Number.			
Yes - Enter AES proof of filing date: _____			

FedEx Tracking Number		8736 5943 7324		Form ID No.		0402	
4 Express Package Service		FedEx Int'l First		FedEx Int'l Economy		FedEx Int'l Priority	
1 <input checked="" type="checkbox"/> FedEx Int'l Priority		6 <input type="checkbox"/> FedEx Int'l First		3 <input type="checkbox"/> FedEx Int'l Economy		3 <input type="checkbox"/> FedEx Int'l Priority	
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1 <input type="checkbox"/> Other		PW <input type="checkbox"/> FedEx 10kg Box* PX <input type="checkbox"/> FedEx 25kg Box*					
6 Special Handling		1 <input type="checkbox"/> HOLD at FedEx location		3 <input type="checkbox"/> SATURDAY Delivery		Available to select locations for FedEx Int'l Priority only.	
7 Payment		Bill transportation charges to:		Complete payment options for bill transportation charges and duties and taxes.			
1 <input type="checkbox"/> Sender Acct. No. in Section 1 will be billed.		2 <input type="checkbox"/> Recipient 3 <input type="checkbox"/> Third Party		4 <input type="checkbox"/> Credit Card		5 <input type="checkbox"/> Cash	
1 <input type="checkbox"/> Sender Acct. No. in Section 1 will be billed.		2 <input type="checkbox"/> Recipient 3 <input type="checkbox"/> Third Party		5 <input type="checkbox"/> Cash		5 <input type="checkbox"/> Check/Cheque	
8 Your Internal Billing Reference		First 24 characters will appear on invoice.					
9 Required Signature		Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill, and you represent that this shipment does not require a U.S. State Department License or contain dangerous goods. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss, or delay, as described in the Conditions of Contract. WARNING: These commodities, technology, or software were exported from the United States in accordance with Export Administration Regulations. Diversion contrary to U.S. law prohibited.		Sender's Signature: _____		This is not authorization to deliver this shipment without a recipient signature.	
Received above shipment in good order and condition. We agree to pay all charges, including Customs duties and taxes as applicable, and we agree to the conditions of damage as stated on the reverse side of the recipient's copy.		Recipient's Signature: _____		Total Volume (cm)		Units	
Origin Station ID		Country Code/Destination Station ID		UPSA Routing		Handling	
8736 5943 7324		0402					
Received At: 1 <input type="checkbox"/> Reg. Stop 2 <input type="checkbox"/> On-Call Stop 3 <input type="checkbox"/> Drop Box 4 <input type="checkbox"/> World Service Center		5 <input type="checkbox"/> Station		Forms Attached: <input type="checkbox"/> CI <input type="checkbox"/> CO			
Base Charges: 1 <input type="checkbox"/> Reg. Stop 2 <input type="checkbox"/> On-Call Stop 3 <input type="checkbox"/> Drop Box 4 <input type="checkbox"/> World Service Center		5 <input type="checkbox"/> Station		Forms Attached: <input type="checkbox"/> CI <input type="checkbox"/> CO			
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